



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/693,749

10/24/2003

Thekkthalackal Varugis Kurien

MVIR-0110 / 301118.01

2449

41505

7590

10/27/2008

WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)

CIRA CENTRE, 12TH FLOOR

2929 ARCH STREET

PHILADELPHIA, PA 19104-2891

EXAMINER

LE, CANH

ART UNIT

PAPER NUMBER

2439

MAIL DATE

DELIVERY MODE

10/27/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/693,749	<b>Applicant(s)</b> KURIEN ET AL.	
	<b>Examiner</b> CANH LE	<b>Art Unit</b> 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This Office Action is in response to the communication filed on 07/30/2008.

Claims 1, 6, 8, 12, 13, and 32 have been amended.

Claims 1-34 have been examined and are pending.

#### ***Response to Arguments***

The objections of the specification, see pages 2-3, files 07/30/2008 have been withdrawn in view of amendment.

Applicant's arguments, see page 12, filed 07/30/2008, with respect to the 35 U.S.C.101 rejection of claims 1-12 have been fully considered and are persuasive in view of amendment. The 35 U.S.C. 101 rejection of claims 1-12 has been withdrawn.

Applicant's arguments filed 07/30/2008 have been fully considered but they are not persuasive. The Applicant argues the following points:

(A) “Muschellack says nothing of the claimed first software object of an application that execute in a first environment.”

(B) “Muschellack says nothing about the software object of the application having logic to identify data not processable by the software object.”

(C) “Muschellack does not teach or suggest such logic in software object of an application.”

(D) Muschellack and Smith do not teach:

“(1) operate on members of the first type of data.

Art Unit: 2439

(2) recognized a member of the second of data type as no being processable by the first software object.

(3) cause the member of the second type of data to be routed to a second software object of the application.”

(E) Muschellack does not teach partitioning software objects on an application across operating environments in this way.

The Examiner respectfully disagrees with the Applicant as the following points:

**Per (A):**

Muschellack teaches the claimed first software object of an application that execute in a first environment [*Muschellack : fig. 8; standard mode, Operating System; Col. 19, line 7, the standard mode or left hand side 430; Col. 19, lines 17-27; “the terminal control software components 422 of the ATM may be granted permission to operate in the nexus mode. In a TP based on Microsoft’s NGSCB specification such components may be programmed to use features of the TPM through communication with the nexus 420...”*].

**Per (B):**

Muschellack teaches the software object of the application having logic to identify data not processable by the software object [*Muschellack : fig. 8; standard mode, Operating System; Col. 19, line 7, the standard mode or left hand side 430; Col. 19, lines 17-27; “the terminal control software components 422 of the ATM may be granted permission to operate in the nexus mode. In a TP based on Microsoft’s NGSCB specification such components may be programmed to use features of the TPM through communication with the nexus 420...”*].

Art Unit: 2439

**Per (C):**

Muschellack teaches a logic in software object of an application [*Muschellack : fig. 8; Terminal Control Software 422; Col. 19, lines 17-27; “the terminal control software components 422 of the ATM may be granted permission to operate in the nexus mode. In a TP based on Microsoft’s NGSCB specification such components may be programmed to use features of the TPM through communication with the nexus 420...”*].

**Per (D):**

Muschellack teaches:

(1) operate on members of the first type of data [*Muschellack : fig. 8; Col. 20; line 17-28; software components may continue to operate in the standard mode 430 and the nexus mode or right hand side 432. Both modes may be operative at the same time on a computer of the ATM*].

(2) recognized a member of the second of data type as no being processable by the first software object [*Muschellack : fig. 8; Col. 20; line 17-28, standard mode can not process data of Nexus mode*].

(3) cause the member of the second type of data to be routed to a second software object of the application [*Muschellack : fig. 8; Col. 20. lines 17-24; “one or more of the terminal control software components may continue to operate in the standard mode 430 (fig. 8) or standard partition 730 (fig. 9) of the computer of the ATM”; Col. 20, lines 24-28; “... However, other components, such as software components which have access to secure financial information, items of value (i.e. cash, deposits) for example may (i.e. cash, deposits) for example may operate on the nexus mode or protected partition of the Trusted Platform (TP)”*].

**Per (E):**

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*partitioning software object*") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Claim Objections***

The amendment filed 07/30/2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Claims 1 recites the limitations "*a first environment stored in said at least one memory and a second environment stored in at least one memory*" in lines 7-8 (emphasis added). However, the limitation "*a first environment stored in said at least one memory and a second environment stored in at least one memory*" is not discussed in the specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 32-34 are rejected under 35 U.S.C. 101** because the claimed invention is directed to non-statutory subject matter.

Art Unit: 2439

**Claim 32** recites the limitation “**an interface** that invokes at least one of the following methods stored in a computer readable memory” (emphasis added). In view of the Applicant’s disclosure (fig. 4, user interface 400), “the interface” is direct to software implementation, which is non-statutory subject matter.

**Claims 32-34** are rejected with the same reason as claim 32.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-24 and 32-34 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 1** recites the limitation “**a first environment stored** in said at least one **memory** and **a second environment stored** in at least one **memory**” in lines 7-8. This is vague and unclear as to how the first environment and the second environment are stored in the memory. Also, It’s unclear as to what respect of the environment the Applicant implies.

**Claim 1** recites the limitation “**said at least one process**” in line 4 and “base layer” in line 18. There is insufficient antecedent basis for this limitation in the claim.

**Claim 13** recites the limitation “**assurance policy**” in line 10. There is insufficient antecedent basis for this limitation in the claim.

**Claim 13** recites the limitation "**assurance policy**" in line 10. The term "**assurance policy**" is indefinite because the specification does not clearly define. There is no support for assurance policy or policy in the specification.

**Claim 16 and 18** recite the limitation "*first software object **causes** a representation*" in line 1. It is vague how the first software object causes a representation of plurality of data.

**Claim 18** recites the limitation "*to **permit** viewing of image of the data*" in line 4. This does not prohibit a computer from doing the recited acts. They do not cause any functionality to occur in the computer. It's unclear what Applicant's intended metes and bounds of the claim are, since the claim appears to cover anything and everything that does not prohibit actions from occurring.

**Claim 20** recites the limitation "**policy**" in line 1. There is insufficient antecedent basis for this limitation in the claim.

**Claim 23** recites the limitation "**assurance policy**" in line 3. The term "**assurance policy**" is indefinite because the specification does not clearly define. There is no support for assurance policy or policy in the specification.

**Claim 23** recites the limitation "**assurance policy**" in line 10. The term "**assurance policy**" is indefinite because the specification does not clearly define. There is no support for assurance policy or policy in the specification.

**Claim 32** recites the limitation "**an interface** that invokes at least one of the following methods stored in a computer readable memory" has been found invalid and indefinite because the claim recites "***an interface***" language and there is no structure disclosed in the specification (*Biomedino, LLC vs. Waters Technology Corp.*, 490 F.3d 946, 950 (Fed. Cir. 2007)).



Art Unit: 2439

**Claim 32** recites “a **system** that supports the partitioning of an application into at least a first software object and a second software object, comprising: a first environment and a second environment, the first software object running in the first environment, the second software object running in the second environment; an interface that exposes at least one of the following methods stored in a computer readable memory: *a first method ...; a second method...; a third method ...; a fourth method*”. It is unclear claim 32 is the system claim or the method claim.

**Claim 32** recites “the partitioning” in line 1. There is insufficient antecedent basis for this limitation in the claim.

**Claims 2-12** are dependent on claim 1, and they inherit the 35 U.S.C 112, second paragraph issues of the independent claim.

**Claims 14-24** are dependent on claim 13, and they inherit the 35 U.S.C 112, second paragraph issues of the independent claim.

**Claims 33-34** are dependent on claim 32, and they inherit the 35 U.S.C 112, second paragraph issues of the independent claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2439

**Claims 1, 5-14, 19-20, 23-26, and 31-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Muschellack et al.** (US 7,309,004 B1) in view of **J.E. Smith**, "An Overview of Virtual Machine Architectures", October 27, 2001, pp. 1-20.

**As per claim 1:**

Muschellack teaches a system that manages the partitioning of an application comprising:

(a) at least one processor and at least one memory in communication with said at least one process, said processor configured to execute program instructions that comprise the following [**Muschellack: fig. 8**]:

(c) a first software object of said application that executes in said first environment comprising a first operating system , wherein said first software object provides a subset of the operations of the application; said first software object handling a plurality of data and including logic to identify a first of said plurality of data as not processable by said first software object [**Muschellack : fig. 8; standard mode, Operating System; Col. 19, line 7, the standard mode or left hand side 430; Col. 19, lines 17-27; “the terminal control software components 422 of the ATM may be granted permission to operate in the nexus mode. In a TP based on Microsoft’s NGSCB specification such components may be programmed to use features of the TPM through communication with the nexus 420...”**]; and

(d) a second software object of said application that executes in said second environment comprising a second operating system, wherein said first software object provides a set of the operations of the application; and that processes said first of said plurality of data in a manner that resists tampering with said first of said plurality of data [**Muschellack : fig. 8; Nexus mode,**

Art Unit: 2439

**Nexus; Col. 19, line 3-7, the nexus mode (i.e. right hand side 432); Col. 19, lines 17-27; “the terminal control software components 422 of the ATM may be granted permission to operate in the nexus mode. In a TP based on Microsoft’s NGSCB specification such components may be programmed to use features of the TPM through communication with the nexus 420...”];**

(e) said base layer comprising or hosting logic that receives said first of said plurality of data from said first software object and routes said first of said plurality of data to said second environment, such that functionality of said application is parsed between said first and second operating systems [**Muschellack : Col. 20; line 17-28; "software components (i.e. applications) may continue to operate in the standard mode 430 (fig. 8) or standard partition 730 (fig. 9) ... other device interface layer may continue to operate in the standard mode or partition. However, other components, such as software components which have access to secure financial information, items of value (i.e. cash, deposits) for example may operate on the nexus mode or protected partition of the Trusted Platform (TP)”; See also Col. 20, lines 29-40; "With a sealed storage, the trust ATM component has access to secret information stored in the sealed storage in a data store of the ATM which is not available to other software is trusted by the trusted ATM component"] .**

However, in an analogous art, Smith teaches an overview of Virtual Machine Architectures, wherein a base component stored in at least one memory that hosts the operation of a first environment stored in said at least one memory and second environment stored in at least on memory [**Smith: pages 1-5; pg. 6 , 2<sup>nd</sup> paragraph; See also pages 7-9; fig. 3-4; virtual machine software being used to connect the major system components; fig. 7; OS VM**

Art Unit: 2439

**supports multiple environments (i.e. windows applications run under Windows OS; Linux applications run under Linux) on the same hardware].**

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the system of Muschellack by including the teaching of Smith, wherein a base component that hosts the operation of a first environment and a second environment the application to allow interoperability of the major system components such as different operating system. Multiple Operating System environment can co-exist on the same computer, in strong isolation from each other. A self-contained operating environment that behaves as if it is a separate computer [Smith, pg. 6, 2<sup>nd</sup> paragraph]. The virtual machine offers greater portability as well as robustness and reliability.

**As per claim 5:**

Muschellack and Smith teach the system of claim 1.

Muschellack further teaches said first of said plurality of said is entered on a keyboard [Muschellack : fig. keyboard 16], and wherein the resistant to tampering provided by said second software object comprises resisting tampering with said first of said plurality of data in transit from said keyboard to an input stream of said second software object [Muschellack :fig. 8; Col. 20; line 17-28; "software components (i.e. applications) may continue to operate in the standard mode 430 (fig. 8) or standard partition 730 (fig. 9) ... However, other components, such as software components which have access to secure financial information, items of value (i.e. cash, deposits) for example may operate on the nexus mode or protected partition of the Trusted Platform (TP)"].

**As per claim 6:**

Muschellack further teaches the system of claim 5, wherein said second software object signs said first of said plurality of data to prevent subsequent tampering with said first of said plurality of data [**Muschellack : Col. 9, line 60 to Col. 10, line 3; "The components (i.e. application) may include or have access to applications which provide cryptographic functions for performing, encryption, decryption, digital signature signing, digital signature verification, hashing and/or other cryptographic calculation...a secure communication session between components"**].

**As per claim 7:**

Muschellack further teaches the system of claim 6, wherein said second environment signs said first of said plurality of data and the signature created by said second application as an indication that said first of said plurality of data and said signature were created in said second environment [**Muschellack : Col. 9, line 60 to Col. 10, line 3; "The components (i.e. application) may include or have access to applications which provide cryptographic functions for performing, encryption, decryption, digital signature signing, digital signature verification, hashing and/or other cryptographic calculation...a secure communication session between components"**].

**As per claim 8:**

Art Unit: 2439

Muschellack and Smith teach the system of claim 1. Smith further teaches a system, wherein a base component comprises a component that assigns a first identifier to said second environment [Muschellack : pg. 1-9; fig. 3-4; **Virtual machine can be used to connect the major system components; translating from one instruction set to another; optimizing an existing application binary for the same instruction set; replicating a virtual machine so that multiple (possible different) OSes can be supported simultaneously; composing virtual machine software to form a more complex, flexible system"; Virtual machine controls different Operating System in different environments; The virtual machine supports multiple operating systems by assigning different identifiers and software objects in different environments**].

**As per claim 9:**

Muschellack and Smith teach the system of claim 8. Smith's virtual machine further encompasses said first of said plurality of data includes, or is accompanied by, said first identifier and a second identifier that identifies said second software object [Muschellack : pg. 1-9; fig. 3-4; **Virtual machine can be used to connect the major system components; translating from one instruction set to another; optimizing an existing application binary for the same instruction set; replicating a virtual machine so that multiple (possible different) OSes can be supported simultaneously; composing virtual machine software to form a more complex, flexible system"; Virtual machine controls different Operating System in different environments; The virtual machine supports multiple operating systems by assigning different identifiers and software objects in different environments**].

**As per claim 10:**

Muschellack and Smith teach the system of claim 1.

Muschellack further teaches said first environment is associated with a first specification that describes the behavior of said first environment, wherein said second environment is associated with a second specification that describes the behavior of said second environment, wherein there is a higher level of assurance that said second environment will conform to said second specification than that said first environment will conform to said first specification **[Muschellack : fig. 8; Col. 20; line 17-28; "software components (i.e. applications) may continue to operate in the standard mode 430 (fig. 8) or standard partition 730 (fig. 9) ... However, other components, such as software components which have access to secure financial information, items of value (i.e. cash, deposits) for example may operate on the nexus mode or protected partition of the Trusted Platform (TP)"]**.

**As per claim 11:**

Muschellack further teaches the system of claim 10, wherein said second software object relies upon the behavior of the second environment in order to resist tampering with said first of said plurality of data **[Muschellack : fig. 8, Nexus Mode 432]**.

**As per claim 12:**

Muschellack and Smith teach the system of claim 1.

Smith further teaches said base component is said second environment, or is included within said second environment [**Smith: fig. 3-4, virtual machine**].

**As per claim 13:**

Muschellack teaches a method of a first software object of an application, which executes in a first environment comprising a first operating system [**Muschellack : fig. 8; standard mode Operating system**], handling data to which an assurance level applies, the method comprising:

(a) the first software object encountering the data [**Muschellack : fig. 8; standard mode, Operating System; Col. 19, line 7, the standard mode or left hand side 430**];

(b) the first software object determining that the data is not processable by the first software object [**Muschellack : fig. 8; standard mode, Operating System; Col. 19, line 7, the standard mode or left hand side 430**];

(c) the first software object causing the data to be provided to a second software object of the application that executes in a second environment comprising a second operating system, the second environment providing a first level of assurance that actions performed in the second environment will be performed correctly, wherein the second software object processes the data in a manner that uses said assurance policy to create resistance to tampering with the data by acts arising outside of the second environment, such that functionality of the application is parsed between the first and second operating systems [**Muschellack : Col. 20; line 17-28; "software components (i.e. applications) may continue to operate in the standard mode 430 (fig. 8) or standard partition 730 (fig. 9) ... However, other components, such as software components which have access to secure financial information, items of value (i.e. cash, deposits) for**



Art Unit: 2439

**example may operate on the nexus mode or protected partition of the Trusted Platform (TP)"].**

Muschellack does not explicitly disclose the base component acting as a virtual machine.

However, in an analogous art, Smith teaches an overview of Virtual Machine Architectures, wherein a base component that hosts the operation of a first environment and a second environment the application [Smith: pages 1-5; pg. 6 , 2<sup>nd</sup> paragraph; See also pages 7-9; fig. 3-4; virtual machine software being used to connect the major system components; fig. 7; OS VM supports multiple environments (i.e. windows applications run under Windows OS; Linux applications run under Linux) on the same hardware].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the system of Muschellack by including the teaching of Smith, wherein a base component that hosts the operation of a first environment and a second environment the application in order to allow interoperability of the major system components such as different operating system. Multiple Operating System environment can co-exist on the same computer, in strong isolation from each other. A self-contained operating environment that behaves as if it is a separate computer [Smith, pg. 6, 2<sup>nd</sup> paragraph]. The virtual machine offers greater portability as well as robustness and reliability.

**As per claim 14:**

Muschellack and Smith teach the system of claim 13.

Muschellack further teaches the method, wherein the resistance to tampering comprises a resistance to a change in said data [Muschellack : Col. 20, lines 29-46; sealed storage].

**As per claim 19:**

This claim has limitations that are similar to those of claim 5, thus it is rejected with the same rationale applied against claims 5 above.

**As per claim 20:**

Muschellack and Smith teach the system of claim 13.

Muschellack further teaches said policy specifies that said data is to be handled by said second software object [**Muschellack : fig. 8; Col. 20; line 17-28; "software components (i.e. applications) may continue to operate in the standard mode 430 (fig. 8) or standard partition 730 (fig. 9) ... other device interface layer may continue to operate in the standard mode or partition. However, other components, such as software components which have access to secure financial information, items of value (i.e. cash, deposits) for example may operate on the nexus mode or protected partition of the Trusted Platform (TP)"; an application (i.e. second software object) runs on a high-assurance environment (i.e. RHS)].**

**As per claim 23:**

Muschellack and Smith teach the system of claim 13.

Muschellack further teaches said second environment is associated with a first specification that describes the behavior of said second environment, and wherein said assurance policy provides that said second environment will conform to said specification [**Muschellack : fig. 8; Col. 20; line 17-28; "software components (i.e. applications) may continue to operate**

Art Unit: 2439

**in the standard mode 430 (fig. 8) or standard partition 730 (fig. 9) ... other device interface layer may continue to operate in the standard mode or partition. However, other components, such as software components which have access to secure financial information, items of value (i.e. cash, deposits) for example may operate on the nexus mode or protected partition of the Trusted Platform (TP)”; an application (i.e. second software object) runs on a high-assurance environment (i.e. RHS)]; A second environment run on the RHS which relates to high-assurance is associated with specification that describe its behavior].**

**As per claim 24:**

Muschellack and Smith teach the system of claim 13.

Muschellack further teaches said first environment is associated with a second specification that describes the behavior of said first environment, and wherein said first environment provides a second level of assurance that actions performed in the first environment will be performed correctly, said second level of assurance being relatively lower than said first level of assurance [Muschellack : fig. 8; Col. 20; line 17-28; "software components (i.e. applications) may continue to operate in the standard mode 430 (fig. 8) or standard partition 730 (fig. 9) ... other device interface layer may continue to operate in the standard mode or partition. However, other components, such as software components which have access to secure financial information, items of value (i.e. cash, deposits) for example may operate on the nexus mode or protected partition of the Trusted Platform (TP)”; an application (i.e. second software object) runs on a high-assurance environment (i.e. RHS);

Art Unit: 2439

**A level of assurance of the standard mode (i.e. LHS) is relatively lower than a level of assurance of the Nexus mode (i.e. RHS)].**

**As per claim 25:**

Muschellack teaches a computer-readable storage medium having stored thereon code and data to allow a user to operate on first and second types of data, said second type of data requiring a relatively higher level of protection from tampering than said first type of data, said code and data comprising:

a first software object of an application, the first software object being associated with a first specification of a first operating system, the first specification describing the behavior of said first software object, said first software object comprising instructions [**Muschellack : fig. 8; standard mode, Operating System; Col. 19, line 7, the standard mode or left hand side 430]** to:

operate on members of said first type of data [**Muschellack : fig. 8; Col. 20; line 17-28; software components may continue to operate in the standard mode 430 and the nexus mode or right hand side 432. Both modes may be operative at the same time on a computer of the ATM].**

recognize a member of said second type of data as not being processable by said first software object [**Muschellack : fig. 8; Col. 20; line 17-28, standard mode can not process data of Nexus mode];** and

cause said member of said second type of data to be routed to a second software object of the application [**Muschellack : fig. 8; Col. 20. lines 17-24; “one or more of the terminal control software components may continue to operate in the standard mode**

Art Unit: 2439

**430 (fig. 8) or standard partition 730 (fig.9) of the computer of the ATM”; Col. 20, lines 24-28; “... However, other components, such as software components which have access to secure financial information, items of value (i.e. cash, deposits) for example may (i.e. cash, deposits) for example may operate on the nexus mode or protected partition of the Trusted Platform (TP)” ];** and

said second software object, which is associated with a second specification of a second operating system, the second specification describing the behavior of said second software object, there being a relatively higher level of assurance that said second software object will conform to said second specification than that said first software object will conform to said first specification, said second software object comprising instructions to operate on members of said second type of data [**Muschellack : fig. 8; Nexus mode, Nexus; Col. 19, line 3-7, the nexus mode (i.e. right hand side 432)**], such that functionality of the application is parsed between the first and second operating systems [**Muschellack : Col. 20; line 17-28; "software components (i.e. applications) may continue to operate in the standard mode 430 (fig. 8) or standard partition 730 (fig. 9) ... However, other components, such as software components which have access to secure financial information, items of value (i.e. cash, deposits) for example may operate on the nexus mode or protected partition of the Trusted Platform (TP)”**].

Muschellack teaches the base component that supports the operation of a first environment and a second environment but does not explicitly disclose a virtual machine. However, in an analogous art, Smith teaches an overview of Virtual Machine Architectures, wherein a base component that hosts the operation of a first environment and a second environment the application [**Smith: pages 1-5; pg. 6 , 2<sup>nd</sup> paragraph; See also pages 7-9; fig.**

Art Unit: 2439

**3-4; virtual machine software being used to connect the major system components; fig. 7; OS VM supports multiple environments (i.e. windows applications run under Windows OS; Linux applications run under Linux) on the same hardware].**

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the system of Muschellack by including the teaching of Smith, wherein a base component that hosts the operation of a first environment and a second environment the application to allow interoperability of the major system components such as different operating system [Smith, pg. 6, 2<sup>nd</sup> paragraph].

**As per claim 26:**

Muschellack and Smith teach the system of claim 25.

Muschellack further teaches the computer-readable medium wherein said first software object operates in a first environment, wherein said second software object operates in a second environment, wherein said first environment is associated with a third specification that describes the behavior of said first software environment, wherein said second environment is associated with a fourth specification that describes the behavior of said second environment, wherein the level of assurance that said second environment will conform to said fourth specification is relatively higher than the level of assurance that said first environment will conform to said first specification, and wherein the assurance that said second software object will conform to said second specification derives from said second software object's reliance on the behavior of the second environment [Muschellack : fig. 8; standard mode, Operating System; Col. 19, line 7, the standard mode or left hand side 430Nexus mode, Nexus; Col. 19,

Art Unit: 2439

**line 3-7, the nexus mode (i.e. right hand side 432); Col. 20; line 17-28; "software components (i.e. applications) may continue to operate in the standard mode 430 (fig. 8) or standard partition 730 (fig. 9) ... However, other components, such as software components which have access to secure financial information, items of value (i.e. cash, deposits) for example may operate on the nexus mode or protected partition of the Trusted Platform (TP)"].**

**As per claim 31:**

This claim has limitations that are similar to those of claim 5, thus it is rejected with the same rationale applied against claim 5 above.

**As per claim 32:**

Muschellack teaches a system that supports the partitioning of an application into at least a first software object and a second software object, comprising:

a first environment and a second environment, the first software object running in the first environment, the second software object running in the second environment an interface [Muschellack : Col. 20; line 17-28; "software components (i.e. applications) may continue to operate in the standard mode 430 (fig. 8) or standard partition 730 (fig. 9) ...other device interface layer may continue to operate in the standard mode or partition. However, other components, such as software components which have access to secure financial information, items of value (i.e. cash, deposits) for example may operate on the nexus mode

Art Unit: 2439

**or protected partition of the Trusted Platform (TP)"]** that invokes at least one of the following methods stored in a computer readable memory:

(a) a first method that receives from the first software object a first data object that comprises: (1) data processable by the second software object [**Muschellack : Col. 20; line 17-28**].

Muschellack does not explicitly teach a first identifier assigned by the system to the second environment; and that routes said first data object to said second environment based on said first identifier.

However, in an analogous art, Smith teaches an overview of Virtual Machine Architectures, wherein a first identifier assigned by the system to the second environment; and that routes said first data object to said second environment based on said first identifier [**Smith: pg. 1-9; fig. 3-4; Virtual machine can be used to connect the major system components; translating from one instruction set to another; optimizing an existing application binary for the same instruction set; replicating a virtual machine so that multiple (possible different) OSes can be supported simultaneously; composing virtual machine software to form a more complex, flexible system"; Virtual machine controls different Operating System in different environments; The virtual machine supports multiple operating systems by assigning different identifiers and software objects in different environments**].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the system of Muschellack by including the teaching of Smith, wherein a first identifier assigned by the system to the second environment; and that routes said first data object to said second environment based on said first identifier in order to



Art Unit: 2439

allow interoperability of the major system components such as different operating system.

Multiple Operating System environment can co-exist on the same computer, in strong isolation from each other. A self-contained operating environment that behaves as if it is a separate computer [Smith, pg. 6, 2<sup>nd</sup> paragraph]. The virtual machine offers greater portability as well as robustness and reliability.

**As per claim 33:**

Muschellack and Smith teach the system of claim 32.

Muschellack further teaches the system wherein said first environment is associated with a first specification that describes the behavior of said first environment, wherein said second environment is associated with a second specification that describes the behavior of said second environment, wherein there is a first level of assurance that said first environment will conform to said first specification, wherein there is a second level of assurance that said second environment will conform to said second specification, and wherein said second level of assurance is relatively higher than said first level of assurance [**Muschellack : fig. 8; standard mode, Operating System; Col. 19, line 7, the standard mode or left hand side 430; Nexus mode, Nexus; Col. 19, line 3-7, the nexus mode (i.e. right hand side 432); It is inherent that a first specification that describes a behavior of a first environment running on the LHS (i.e. standard mode). A second specification describes a behavior of a second environment running on the RHS (i.e. Nexus mode). A level of assurance of Nexus mode is higher than a level of standard mode].**

Art Unit: 2439

**As per claim 34:**

Muschellack further teaches the system of claim 33, wherein said second software provides assurance that said second software object will protect data, said assurance being provided at least in part by relying on the behavior of the second environment [**Muschellack : fig. 8, Nexus mode, Nexus; Col. 19, line 3-7, the nexus mode (i.e. right hand side 432); applications run on a Nexus mode (i.e. high-assurance)**].

**Claims 2-4, 15-18, and 29-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Muschellack et al.** (US 7,309,004 B1) in view of **J.E. Smith**, "An Overview of Virtual Machine Architectures", October 27, 2001, pp. 1-20 and further in view of **Clapper** (US 2003/0107584 A1).

**As per claim 2:**

Muschellack and Smith do not explicitly teach the system of first software object causes a representation of said first of said plurality of data to be displayed on a display device, said representation comprising one or more indecipherable graphics.

However, in an analogous art, Clapper teaches a security system for visual display, wherein data is displayed on a display device, said representation comprising one or more indecipherable graphics [**Clapper: fig. 3-4; par. [0008]; par. [0037], lines 7-8; blurring operation to graphic data to be displayed on a display**].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the system of Muschellack and Smith by including the

Art Unit: 2439

teaching of Clapper, wherein data is displayed on a display device, said representation comprising one or more indecipherable graphics to provide secure viewing of sensitive information on a display **[Clapper; par. [0004], lines 5-6]**.

**As per claim 3**

Clapper further teaches the system of claim 2, wherein said one or more indecipherable graphics are either:

the same size as each other **[Clapper: fig. 3-4; par. [0008]; par. [0037], lines 7-8; blurring operation to graphic data to be displayed on a display]**.

**As per claim 4:**

Muschellack and Smith teach the subject matter as described in claim 1.

Muschellack and Smith do not explicitly teach a system, wherein the resistance to tampering provided by said second software object comprises said second environment resisting interference with the display of said first of said plurality of data by writing a representation of said first of said plurality of data into a video memory associated with a display device so as to cause said representation to supersede any image at a location on said display device at which said representation is to be displayed.

However, in an analogous art, Clapper teaches a security system for visual display, wherein the resistance to tampering provided by said second software object comprises said second environment resisting interference with the display of said first of said plurality of data by writing a representation of said first of said plurality of data into a video memory associated

Art Unit: 2439

with a display device so as to cause said representation to supersede any image at a location on said display device at which said representation is to be displayed [**Clapper: fig. 3-4; par. [0008]; par. [0037], lines 7-8; blurring operation to graphic data to be displayed on a display; par. [0042]].**

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the system of Muschellack and Smith by including the teaching of Clapper, wherein the resistance to tampering provided by said second software object comprises said second environment resisting interference with the display of said first of said plurality of data by writing a representation of said first of said plurality of data into a video memory associated with a display device so as to cause said representation to supersede any image at a location on said display device at which said representation is to be displayed to provide secure viewing of sensitive information on a display [**Clapper; par. [0004], lines 5-6].**

**As per claim 15:**

This claim has limitations that are similar to those of claim 4, thus it is rejected with the same rationale applied against claims 4 above.

**As per claim 16:**

Muschellack and Smith do not explicitly teach a first software object causes a representation of the data to be displayed on a visual display device, said representation comprising one or more indecipherable graphics.

However, in an analogous art, Clapper teaches the method of claim 13, wherein said first software object causes a representation of the data to be displayed on a visual display device,

Art Unit: 2439

said representation comprising one or more indecipherable graphics [**Clapper: fig. 3-4; par. [0008]; par. [0037], lines 7-8; blurring operation to graphic data to be displayed on a display**].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Muschellack and Smith by including the teaching of Clapper, wherein data is displayed on a display device, said representation comprising one or more indecipherable graphics to provide secure viewing of sensitive information on a display [**Clapper; par. [0004], lines 5-6**].

**As per claim 17:**

This claim has limitations that are similar to those of claim 3, thus it is rejected with the same rationale applied against claims 3 above.

**As per claim 18:**

Muschellack, Smith, and Clapper teach the method of claim 16.

Clapper further teaches wherein said first software object or said second software object, or a combination of said first software object and said second software object, cause items displayed on said visual display device to be changed in at least one respect to permit viewing of an image of the data produced by said second software object [**Clapper: fig. 3-4; par. [0008]; par. [0037], lines 7-8; blurring operation to graphic data to be displayed on a display**].

**As per claim 29:**

Art Unit: 2439

This claim has limitations that are similar to those of claim 3, thus it is rejected with the same rationale applied against claim 3 above.

**As per claim 30:**

This claim has limitations that are similar to those of claim 4, thus it is rejected with the same rationale applied against claims 4 above.

**Claims 21-22 and 27-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Muschellack et al.** (US 7,309,004 B1) in view of **J.E. Smith**, "An Overview of Virtual Machine Architectures", October 27, 2001, pp. 1-20 and further in view of **Hayman et al.** (US 5,895,966).

**As per claim 21:**

Muschellack and Smith do not explicitly teach data includes, or is associated with, a first label that identifies said second environment as a location in which said data is to be processed.

However, in an analogous art, Hayman teaches a security system for computer systems, wherein data includes, or is associated with, a first label that identifies said second environment as a location in which said data is to be processed [**Hayman: abstract, fig. 3A, fig. 3B, col. 1, lines 63-64, col. 5, line 24 to col. 6, line 36; security labels are placed on each data file**].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to modify the method of Muschellack and Smith of the invention by including the step of Hayman, wherein data includes, or is associated with, a first label that identifies said second environment as a location in which said data is to be processed in order to

Art Unit: 2439

provide users with a means for placing security labels on each data file or other system resource, and on each user process to enable to determine who has what type of access to which data file or other system resources [**Hayman, col. 1, line 64 to Col. 2, line 1**].

**As per claim 22:**

Muschellack, Smith, and Hayman teach the method of claim 21. Hayman further teaches said data includes, or is associated with, a second label that identifies said second software object as a processor for said data, and wherein said second environment routes said data to said second software object based on said second label [**Hayman: abstract, fig. 3A, fig. 3B, col. 1, lines 63-64, col. 5, line 24 to col. 6, line 36; security labels are placed on each data file**].

**As per claim 27:**

This claim consists the computer-readable medium wherein each member of said second type of data to implement claim 21, thus it is rejected with the same rationale applied against claim 21 above.

**As per claim 28:**

This claim consists the computer-readable medium wherein said first software object causes said member of the second type to be routed to said second software object by sending said member of the second type to a base component, said first label being assigned by said base component, said second label being recognizable by said second environment and not by said

Art Unit: 2439

base component to implement claim 22, thus it is rejected with the same rationale applied against claim 22 above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure.

US 20040064718 A1 to Harrington, Bradley Ryan et al.;

US 20050044169 A1 to Arbeitman, Robert M. et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Canh Le whose telephone number is 571-270-1380. The examiner can normally be reached on Monday to Friday 7:30AM to 5:00PM other Friday off.



Art Unit: 2439

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zand Kambiz can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Canh Le/

Examiner, Art Unit 2439

October 21, 2008

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434